

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 05/11/09	NUMBER 03.01.100
SUBJECT GOOD TIME CREDITS		SUPERSEDES 03.01.100 (06/01/08)	
		AUTHORITY MCL 600.5513, 800.33; Administrative Rules 791.5505, 791.5513	
		ACA STANDARDS 4-4097, 4-4461, 2-CO-1E-05	
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POLICY STATEMENT:

Good time credits shall be used as a management tool to reward eligible prisoners for good behavior and as an incentive to continue such behavior.

RELATED POLICIES:

- 03.01.101 Disciplinary Credits
- 03.01.102 Habitual Offenders
- 03.01.105 Disciplinary Time

POLICY:

GENERAL INFORMATION

- A. This policy only applies to prisoners eligible to earn and be granted good time credits. Any prisoner convicted of an offense committed on or after April 1, 1987 is not eligible to earn or be granted good time credits.

TIME CALCULATION

- B. When a prisoner eligible to earn and be granted good time credits was initially received by the Department, the prisoner's projected special good time (SGT) and regular good time (RGT) minimum and maximum release dates were calculated. RGT dates include all RGT credits which the prisoner may earn during his/her entire sentence, including days for which jail credit was granted. SGT dates include all RGT and SGT credits which the prisoner may earn during his/her entire sentence, including days for which jail credit was granted. These dates were identified on the prisoner's Basic Information Sheet (Form CSX-117) and entered on the Department computerized database (e.g., CMIS; OMNI). In the event that a newly received prisoner is eligible to earn and be granted good time credits, the projected SGT and RGT minimum and maximum release dates shall be calculated in this same manner.
- C. At least annually, each prisoner eligible to earn and be granted good time credits shall be issued a Time Review & Disposition form (CSX-482) reflecting the prisoner's current projected RGT and SGT minimum and maximum release dates. A Time Review & Disposition form shall be issued, and the Department's computerized database updated, as soon as possible after a decision is made to forfeit, restore, grant, or deny good time credits. A Time Review & Disposition form is not required to be issued each time RGT credits are automatically not earned due to major misconduct; however, the credits shall be reflected in the dates on the next Time Review & Disposition form issued. If a prisoner is serving on more than one sentence, any changes to the release dates pursuant to this policy shall be computed and shown only for the controlling minimum and maximum sentences, although the changes apply to all active sentences.
- D. At least annually, the Centralized Time Computation Unit (CTCU) in the Central Records Section of the Operations Division, Correctional Facilities Administration (CFA), shall verify the current projected RGT and SGT minimum and maximum release dates of each prisoner eligible to earn and be granted good time credits. The Records Administrator in the Central Records Section of the Operations Division shall

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maintain a Time Computation Manual providing specific instruction to CTCU staff on calculating sentences of prisoners eligible to earn good time.

ELIGIBILITY TO EARN GOOD TIME CREDITS

- E. Prisoners sentenced for an offense committed before April 1, 1987 are eligible to earn good time credits on the minimum and maximum terms of the sentence, except as follows:
1. The sentence is a life sentence or is for a violation of the felony firearm law (MCL 750.227b).
 2. The sentence is for a Proposal B offense as identified on Attachment A and:
 - a. The offense was committed on or after December 10, 1978, and prior to January 1, 1983. In such cases, the prisoner is eligible to earn and be granted good time credits only on the maximum term of the sentence. However, the prisoner may be eligible to earn disciplinary and/or drug law credits on the minimum term of the sentence as set forth in PD 03.01.101 "Disciplinary Credits".
 - b. The offense was committed on or after January 1, 1983. In such cases, the prisoner is not eligible to earn good time credits. However, the prisoner may be eligible to earn disciplinary credits as set forth in PD 03.01.101.
 3. The sentence is a non-life sentence for a violation of MCL 333.7401(2)(a)(i)(ii) of the Controlled Substances Act and the offense was committed on or after September 1, 1978. In such cases, the prisoner is not eligible to earn good time credits. However, the prisoner may be eligible to earn drug law and disciplinary credits as set forth in PD 03.01.101.
 4. The sentence is a non-life sentence for a violation of MCL 333.7403(2)(a)(i),(ii) or (iii) of the Controlled Substances Act and the offense was committed on or after September 1, 1978 and prior to April 1, 1987. In such cases, the prisoner is eligible to earn good time credits beginning April 1, 1987 only. However, the prisoner is eligible to earn drug law credits prior to April 1, 1987 as set forth in PD 03.01.101.

GOOD TIME COMMITTEE

- F. The Warden shall ensure each prisoner eligible to earn good time credits has a designated Good Time Committee. In an institution, the Committee shall be chaired by the prisoner's Resident Unit Manager, and may include the prisoner's Assistant Resident Unit Supervisor, Case Manager, Counselor, or, if receiving in-patient mental health services, Social Worker. The Committee shall include a Resident Unit Officer/Forensic Service Aide assigned to the prisoner's housing unit and, if the prisoner has an institutional work or school assignment, the prisoner's assignment supervisor.
- G. The Good Time Committee shall be responsible for recommending to the Warden whether forfeited good time credits should be restored and whether SGT credits should be granted on a prisoner's minimum or maximum sentence, consistent with this policy. Committee members may meet as a group or communicate in writing with each other to arrive at a recommendation. If a majority does not concur in a recommendation, the Chairperson shall make the recommendation for the Committee after consulting with each Committee member. The recommendation shall be submitted to the Warden on a Time Review & Disposition form.
- H. If a prisoner transfers to a different CFA institution after the Good Time Committee has begun its review, the Committee shall complete the review and submit the recommendation to the Warden of the receiving institution. If a review is due at the time of transfer, but the Committee has not begun review, the receiving facility shall be notified of the need to conduct the review at that facility.

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ACCRUAL OF REGULAR RGT CREDITS

- I. Except as set forth in Paragraph K, RGT credits are automatically earned at the following rate:
 1. During the first and second year of the sentence, 5 days per month.
 2. During the third and fourth year of the sentence, 6 days per month.
 3. During the fifth and sixth year of the sentence, 7 days per month.
 4. During the seventh through ninth year of the sentence, 9 days per month.
 5. During the tenth through fourteenth year of the sentence, 10 days per month.
 6. During the fifteenth through nineteenth year of the sentence, 12 days per month.
 7. During the twentieth year through the end of the sentence, 15 days per month.
- J. Beginning April 1, 1987, a prisoner cannot earn RGT credits during any month in which the prisoner engages in behavior for which s/he is subsequently found guilty of a major misconduct. RGT credits not earned pursuant to this paragraph can never be earned or restored.

GRANTING SGT CREDITS

- K. Unlike RGT credits, SGT credits are not automatically earned but may be granted to a prisoner on his/her minimum and/or maximum sentence at a rate of no more than one-half of the RGT credits earned by the prisoner on the minimum or maximum sentence, as applicable. A prisoner may be granted SGT credits only for a month in which RGT credits have been earned. The decision whether to grant SGT credits on a prisoner's SGT minimum shall be made once prior to the prisoner's SGT minimum date; the decision whether to grant SGT credits on a prisoner's SGT maximum shall be made once prior to the prisoner's SGT maximum date.
- L. Prisoners do not have a right to receive SGT credits; however SGT credits may be granted to a prisoner who has demonstrated good conduct and not merely refrained from exhibiting negative behavior. A prisoner is eligible for consideration only if s/he meets one of the following criteria:
 1. The prisoner received consistently good to excellent assignment reports during the review period and made satisfactory progress toward completing reception facility recommendations.
 2. The prisoner performed a specific exemplary or meritorious act.

If eligible for consideration, the prisoner's conduct during the entire review period, including misconduct history and conduct while housed at other facilities, shall be considered when determining whether to grant SGT credits and, if granted, the amount granted.
- M. SGT credits shall be rounded up to the nearest full day increment and shall be granted only in full day increments. SGT credits not granted for the review period, including those not available to be granted due to the automatic forfeiture of RGT credits for major misconduct, cannot be subsequently granted or restored.
- N. A Time Review & Disposition Report (CB-112) will be generated monthly identifying each prisoner for whom an SGT credit review is due that month and the amount of credits available to be granted; the report will include a Time Review & Disposition form for each identified prisoner. Prisoners shall be identified on the list approximately eleven months prior to their SGT minimum and SGT maximum dates. The report shall be sent to the Record Office Supervisor for each CFA institution at which a review is required. It also shall be sent to the CTCU Manager or designee if a review is required for a

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prisoner serving a Michigan sentence in another jurisdiction and to the CRP Manager if a review is required for a prisoner in CRP. The information shall be forwarded immediately to the appropriate Good Time Committee or, for a prisoner serving a Michigan sentence in another jurisdiction, to the CFA Deputy Director.

- O. The Good Time Committee for each identified prisoner shall recommend to the Warden whether to grant the prisoner SGT credits and, if applicable, the amount to be granted, consistent with this policy. The Committee shall submit its recommendation to the Warden on a Time Review & Disposition form no later than two weeks after the Time Review & Disposition report was received by the Record Office.
- P. After receipt of the Good Time Committee's recommendation, the Warden shall determine whether to grant SGT credits, consistent with this policy. This decision shall be made no later than four weeks after the Time Review & Disposition Report was received by the Record Office. The Warden shall consult with the CFA Deputy Director prior to making a final determination whether to grant SGT credits on a prisoner's maximum sentence. For prisoners serving a Michigan sentence in another jurisdiction, the CFA Deputy Director shall make the determination based on information provided by the other jurisdiction.

FORFEITURE OF RGT CREDITS

- Q. If a prisoner is found guilty of major misconduct, all or a portion of the RGT credits earned by the prisoner as of the date the misconduct occurred may be forfeited. This decision shall be made by the CFA Deputy Director if the misconduct occurred while the prisoner was serving a Michigan sentence in another jurisdiction. In all other cases, the decision shall be made by the Warden of the CFA institution at which the misconduct hearing was conducted. The decision shall be made as soon as possible after the misconduct guilty finding and documented on a Forfeiture Information Sheet (CSJ-495), which shall be forwarded to the CTCU upon completion. The CTCU shall calculate the new projected RGT and SGT minimum and maximum release dates, issue an updated Time Review & Disposition form (CSX-482) for distribution, and enter the new information on the Department's computerized database.
- R. RGT credits may be forfeited only when it is believed by the Warden that other actions taken as a result of the misconduct (e.g., amount of RGT/SGT credits automatically not earned/unavailable to be granted) are insufficient. This determination shall be based upon the seriousness of the misconduct and the prisoner's history of major misconducts, including the number of same or similar misconducts. RGT credits shall not be forfeited in excess of the limits set forth in Administrative Rule 791.5513.
- S. If parole is revoked by the Parole Board, the Parole Board Chairperson may order forfeiture of all or a portion of RGT credits earned by the parolee as of the date the parole violation occurred. This determination shall be based upon the seriousness of the violation and the parolee's conduct while incarcerated and while on parole. However, if the parolee was paroled prior to the minimum sentence minus applicable credits due to participation in the Special Alternative Incarceration Program (SAI), the Parole Board Chairperson shall order forfeiture of at least all credits accumulated during SAI participation. The Parole Board Chairperson shall order forfeitures as soon as possible after the finding of parole violation.
- T. All forfeitures shall be ordered only in full day increments. Forfeited RGT credits may be restored only as set forth in this policy.

Forfeiture by Court Order

- U. In a civil action brought by a prisoner, the court may order forfeiture of any or all of a prisoner's accumulated good time pursuant to MCL 600.5513 upon a finding of any of the following:
 - 1. The claim was filed for a malicious purpose.
 - 2. The claim was filed solely to harass the party against whom it was filed.

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3. The prisoner testified falsely or otherwise knowingly presents false evidence or information to the court.

RESTORATION OF FORFEITED GOOD TIME CREDITS

- V. Prisoners do not have a right to have forfeited good time credits restored; however, a Warden may restore forfeited credits to a prisoner who has demonstrated good conduct and not merely refrained from exhibiting negative behavior, upon recommendation of the Good Time Committee and prior written approval of the CFA Deputy Director. A prisoner is eligible for consideration only if s/he meets one of the following criteria:

1. The prisoner received consistently good to excellent assignment reports during the review period and made satisfactory progress toward completing reception facility recommendations.
2. The prisoner performed a specific exemplary or meritorious act.

The decision whether to restore forfeited credits due to a specific meritorious or exemplary act may be made at any time; all other restoration decisions shall be made annually.

- W. Forfeited credits shall not be restored to a prisoner who, during the preceding year, engaged in behavior for which s/he was subsequently found guilty of a non-bondable major misconduct. Credits automatically not earned due to major misconduct, and credits forfeited due to any of the following major misconducts, also shall not be restored:

1. Escape, if the escape was from a secure facility.
2. Homicide.
3. Assault resulting in serious physical injury.
4. Assault and battery, if the misconduct was for behavior the prisoner engaged in prior to January 1, 1999.
5. Possession of a weapon.
6. Sexual assault.
7. Incite to riot or strike; rioting or striking.
8. Attempt, accomplice, or conspiracy to commit any of the above.

- X. The prisoner's overall conduct, including misconduct history and conduct exhibited while housed at other facilities, shall be considered when determining whether to restore forfeited credits and the amount to be restored. All restorations shall be ordered only in full day increments.

- Y. The Time Review & Disposition Report (CB-112) generated monthly pursuant to Paragraph N will identify each prisoner for whom an annual review is due that month and the amount of credits available to be restored to each prisoner. The report will include a Time Review & Disposition form for each identified prisoner.

- Z. The appropriate Good Time Committee shall recommend to the Warden whether to restore forfeited credits to a prisoner and, if so, the amount to be restored, consistent with this policy. The Committee shall submit its recommendation to the Warden on a Time Review & Disposition form. When conducting an annual review, the recommendation shall be submitted no later than two weeks after the Time Review & Disposition report was received by the Record Office.

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- AA. After receipt of the recommendation of the Good Time Committee, the Warden shall determine whether to restore forfeited credits, and if applicable, the amount to be restored. Forfeited credits shall be restored only with prior written approval of the CFA Deputy Director and consistent with this policy. This decision shall be made by the Warden of the institution at which the prisoner is housed. The CFA Deputy Director shall make this decision for prisoners serving a Michigan sentence in another jurisdiction. The completed Time Review & Disposition form (CSX-482) shall be forwarded to the CTCU for processing. The CTCU shall calculate the new projected RGT and SGT minimum and maximum release dates, issue a new Time Review & Disposition form (CSX-482) for distribution, and enter the new information on the Department's computerized database.

PAROLE BOARD NOTICE

- BB. If a prisoner has been granted parole on his/her projected minimum release date and subsequently has good time credits forfeited, not earned or not granted on the minimum sentence, the Warden shall ensure that the Parole Board is notified immediately to permit timely adjustment of the parole release date or suspension of the parole. The Parole Board shall determine the appropriate action to take and notify the prisoner of that determination no later than the original parole release date.
- CC. The Warden also shall ensure that the Parole Board is notified immediately if a prisoner who the Parole Board continued to the projected maximum release date subsequently has good time credits forfeited or not granted on the maximum sentence which will cause the continuance to exceed 24 months in duration. In such cases, the Parole Board shall determine the appropriate action to take and notify the prisoner of that determination as soon as possible.

PROCEDURES

- DD. Wardens shall ensure that operating procedures are developed as necessary to implement requirements set forth in this policy directive. Operating procedures shall be completed within 60 calendar days after the effective date of this policy directive. This includes ensuring that their existing operating procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed. Facility procedures shall not conflict with procedures issued by the Director.

AUDIT ELEMENTS

- EE. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

ATTACHMENTS

- FF. This policy includes the following attachment:
1. Attachment A - Proposal B Offenses.

APPROVED: PLC 04/21/09

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ATTACHMENT A

PROPOSAL B OFFENSES

<u>MCL</u>	<u>OFFENSE</u>
333.7401 (2)(a) or (b)	Unlawful manufacture, delivery, or possession with intent to manufacture or deliver; unlawful dispensing, prescription or administration
333.7402 (2)(a) or (b)	Counterfeit substances or controlled substance analogues; creation, delivery, or intent to deliver
750.13	Enticing away female under 16 years for purpose of marriage, etc.
750.14	Administering drugs, etc., w/intent to procure miscarriage
750.72	Burning dwelling house
750.73	Burning of other real property
750.75	Burning of insured property
750.80	Setting fire to mines and mining materials
750.82	Felonious assault <u>if</u> offense was committed on or after 01/01/83
750.83	Assault w/intent to commit murder
750.84	Assault w/intent to do great bodily harm less than murder
750.86	Assault w/intent to maim
750.87	Assault w/intent to commit felony not otherwise punished
750.88	Assault w/intent to rob and steal being unarmed
750.89	Assault w/intent to rob and steal being armed
750.90	Sexual intercourse under pretext of medical treatment
750.91	Attempt to murder by poisoning, etc.
750.92	Attempt to commit crime
750.110	Breaking and entering
750.112	Burglary w/explosives
750.116	Possession of burglar's tools
750.135	Exposing child w/intent to injure or abandon
750.136a	Torturing of children, penalty
750.136b(2)	Child abuse, first degree
750.136b(3)	Child abuse, second degree
750.158	Crime against nature or sodomy, penalty
750.160	Disinterment; mutilation, defacement, or carrying away of human body
750.171	Engaging in or challenging to fight duel
750.194	Breaking, escaping, and attempting to break or escape from Detroit House of Corrections
750.196	Breaking, escaping, or attempting to break or escape from county work farms, etc.
750.204	Sending explosives w/intent to injure persons
750.205	Placing explosives w/intent to destroy but w/o resulting damage
750.206	Placing explosives w/intent to destroy and causing damage to property
750.207	Placing explosives w/intent to destroy and causing injury to any person
750.208	Aiding and abetting in the placing of explosives w/intent to destroy, etc.
750.209	Placing foul and offensive substances w/intent to injure, molest or coerce
750.213	Malicious threats to extort money
750.224	Weapons; manufacture, sale, or possession
750.226	Carrying firearm or dangerous weapon w/unlawful intent
750.227	Concealed weapons
750.316	First degree murder
750.317	Second degree murder
750.319	Death as result of fighting a duel
750.321	Manslaughter
750.322	Willful killing of unborn quick child
750.323	Death of quick child or mother from use of medicine, etc., w/intent to destroy such child
750.327	Death due to explosives

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ATTACHMENT A (cont'd)

PROPOSAL B OFFENSES

<u>MCL</u>	<u>OFFENSE</u>
750.328	Death from explosives placed w/intent to destroy, etc., building or object
750.329	Death from wound, etc., from firearm pointed intentionally, but without malice
750.333	Incest; sexually delinquent persons; penalty
750.338	Gross indecency; between male persons
750.338a	Gross indecency; female persons
750.338b	Gross indecency; between male and female persons
750.341	Ravishing, etc., female patient in any state or county institution for the care of the insane
750.349	Confining person against will, etc.
750.349a	Prisoner taking another as a hostage
750.350	Kidnapping; child under 14
750.357	Larceny from the person
750.386	Maliciously injuring or destroying machinery and appliances used for pumping, signaling or hoisting of men or materials in mines
750.392	Willfully destroying vessels, etc.
750.397	Mayhem
750.397a	Placing harmful objects or substances in food
750.436	Poisoning food, drink, medicine, wells, etc.
750.511	Attempt to wreck railroad trains or endanger safety of passengers
750.517	Entering railroad train or cars for purpose of robbing by means of intimidation
750.520b	First degree criminal sexual conduct
750.520c	Second degree criminal sexual conduct
750.520d	Third degree criminal sexual conduct
750.520g	Assault w/intent to commit criminal sexual conduct
750.529	Armed robbery; aggravated assault
750.529a	Carjacking
750.530	Robbery unarmed
750.531	Bank, safe, and vault robbery
750.544	Treason; punishment
750.545a	Subversion against state; penalty
752.312	Certain acts deemed felony
752.326	Sabotage, penalty, definition
752.541	Riot
752.542	Incitement to riot
752.543	Unlawful assembly